1 2 3 4 5	Seyamack Kouretchian (State Bar No. 171741 Seyamack@CoastLawGroup.com Ross M. Campbell (State Bar No. 234827) Rcampbell@CoastLawGroup.com COAST LAW GROUP, LLP 1140 S. Coast Hwy. 101 Encinitas, California 92024 Tel: (760) 942-8505 Fax: (760) 942-8515		
<ul><li>6</li><li>7</li></ul>	Attorneys for Defendants, SHAWN HOGAN and DIGITAL POINT SOLUTIONS, INC.		
8			
9	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA		
11	SAN JOSE DIVISION		
12	EBAY, INC.,	Case No. CV 08-04052 JF PVT	
13 14	Plaintiff, ) v.	STIPULATION, MOTION FOR ADMINISTRATIVE RELIEF, AND	
15 16 17	DIGITAL POINT SOLUTIONS, INC., SHAWN HOGAN, KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., TODD DUNNING, DUNNING ENTERPRISE, INC., BRIAN DUNNING, BRIANDUNNING.COM, and DOES 1-20,	[PROPOSED] ORDER STAYING CIVIL ACTION  Judge: Hon. Jeremy Fogel Dept.: Courtroom 3	
18	Defendants.		
19	)	<u></u>	
20			
21	THE PARTIES TO THE ABOVE-EN	NTITLED ACTION HEREBY STIPULATE TO	
22	AND MOVE FOR THE FOLLOWING RELIEF PURSUANT TO CIVIL LOCAL RULE 7-		
23	11:		
24	Plaintiff alleges that Defendants, as participants in eBay's affiliate marketing		
25	program, engaged in cookie stuffing intended to defraud Plaintiff.		
26	2. Defendants previously moved to stay this action under <i>Keating v. Office of Thrift</i>		
27	Supervision (9th Cir. 1995) 45 F.3d 322, pending the resolution of parallel criminal investigations		
28	undertaken by the United States Attorney's Office and Federal Bureau of Investigation.		

1	3.	On February 25, 2010, the Co	ourt issued an Order denying, without prejudice,
2	Defendants' m	otions to stay this civil action.	The primary basis for the denial of the motions was
3	that no indictm	nent had been returned as to an	y Defendant. During the hearing on Defendants'
4	motions to stay	y, the Court stated that "[i]f the	ere's an indictment, then we have to recalibrate the
5	entire case." (1	1/29/10 Tr. 18.)	
6	4.	Defendants Shawn Hogan an	d Brian Dunning were indicted on June 24, 2010.
7	United States v	v. Hogan, CR 10-0495 JF (N.D	Cal. June 24, 2010); United States v. Dunning, CR
8	10-0494 JF (N	.D. Cal. June 24, 2010). The in	ndictments are based on the same alleged cookie
9	stuffing scheme at issue in this civil action.		
10	5.	On June 29, 2010, the United	l States filed a Notice of Related Case stating that
11	defendants Sha	awn Hogan and Brian Dunning	in the instant action are alleged to have engaged in
12	the same cookie stuffing scheme that is the subject of the indictments. On July 7, 2010, the Court		
13	issued an order finding that the instant civil action and the aforementioned criminal cases are		
14	related.		
15	6.	Based on the foregoing, all p	arties to this action hereby stipulate and move that
16	this civil action	n be stayed in its entirety as to	all parties until further order by the Court.
17	7.	The parties further stipulate a	and move that the Court vacate the existing case
18	management d	ates, including but not limited	to the fact and expert discovery cut-off dates, the
19	pretrial confere	ence date, and the jury trial dat	e. The parties also stipulate and move that a further
20	case management conference be set for February 11, 2011, approximately six months from the dat		
21	of this stipulati	ion, or as otherwise convenient	t for the Court.
22			
23	IT IS SO STI		DAVID D. EDEDIJADT
24	DATED: July	28, 2010	DAVID R. EBERHART SHARON M. BUNZEL
25			NORA PUCKETT O'MELVENY & MYERS LLP
26			By: /s/David R. Eberhart
27			David R. Eberhart
28			Attorneys for Plaintiff EBAY, INC.

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1 2	DATED: July 28, 2010	SEYAMACK KOURETCHIAN ROSS M. CAMPBELL COAST LAW GROUP LLP
3		By: /s/ Ross M. Campbell
4		By: /s/ Ross M. Campbell Ross M. Campbell
5		Attorneys for Defendants SHAWN HOGAN and DIGITAL POINT SOLUTIONS, INC.
6		
7	DATED. 1.1., 20, 2010	LEO L DDECLADO
8	DATED: July 28, 2010	LEO J. PRESIADO RUS, MILIBAND & SMITH
9		By: /s/ Leo J. Presiado Leo J. Presiado
10		
11		Attorneys for Defendants THUNDERWOOD HOLDINGS, INC., BRIAN DUNNING and
12		BRIANDUNNING.COM
13		
14	DATED: July 28, 2010	PATRICK K. MCCLELLAN
15		LAW OFFICE OF PATRICK K. MCCLELLAN
16		By: /s/ Patrick K. McClellan Patrick K. McClellan
17		
18		Attorneys for Defendant KESSLER's FLYING CIRCUS
19		
20		
21	DATED: July 28, 2010	TODD DUNNING
22		/s/ Todd Dunning
23		Pro Se
24		
25	DATED 11 00 0010	DUNING ENTERPRISE DVC
26	DATED: July 28, 2010	DUNNING ENTERPRISE, INC.
27		By: /s/ Todd Dunning
28	/././	
		- 3 - Case No. CV 08-04052 IF PVT

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**ORDER** Pursuant to the foregoing stipulation and motion, and good cause appearing therefor, IT IS HEREBY ORDERED that this action is stayed in its entirety as to all parties until further order by the Court. The Court hereby vacates all existing case management dates. A further case management conference will be held on February 11, 2011 at  $\underline{10:30}$  am IT IS SO ORDERED. Dated: \_7/30/10 The Honorable Jeremy Fogel United States District Court Judge Northern District of California